

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 6, 2005, the Examiner rejected claims 8, 26 and 29 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement; rejected claims 1, 3-11, 13, and 15-19 under 35 U.S.C. §102(b) as being anticipated by the Examiner U.S. Patent No. 5,905,246 to Fajkowski; and rejected claims 2 and 12 under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of U.S. Patent No. 6,330,543 to Kepecs. Accordingly, Applicants respectfully provide the following.

Claim Rejections Under 35 U.S.C. §112

In the pending Office Action the Examiner indicated that claims 8, 26 and 29 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Applicant respectfully notes that the claim language “determining the validity of using a second electronic coupon; comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon,” was found in Claim 14 of the application as originally filed. Accordingly, the application as originally filed, did reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention and the Applicants request withdrawal of the Section 112 rejection.

Claim Rejections Under 35 U.S.C. §102(b).

The Examiner rejected claims 1, 3-11 and 13, and 15-19 under 35 U.S.C. §102(b) as being anticipated by Fajkowski. Applicants respectfully provide the following response and request withdrawal of the rejection under 35 U.S.C. §102(b).

M.P.E.P 706.02 provides that “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” Applicants respectfully submit that Fajkowski does not teach a purchaser computer device that is configured to manage the electronic coupon, as is now claimed in amended claim one. Because Fajkowski does not disclose this limitation, it fails to anticipate the claimed invention under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request withdrawal of the rejection of independent claim 1, as well as dependent claims 3-6 under 35 U.S.C. § 102(b).

Applicants also respectfully submit that Fajkowski does not teach the method and computer program products claimed in amended claims 8, 26 and 29 which include the steps for determining the validity of using a second electronic coupon and comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon. Applicants respectfully submit that Fajkowski only discloses a consideration of more coupons, not a determination of validity and comparison, as claimed above. Because Fajkowski does not disclose these limitations, it fails to anticipate the claimed invention under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request withdrawal of the rejection of independent claims 8, 26 and 29, as well as dependent claims 9-11, 13, 15-16, and 27-28 under 35 U.S.C. § 102(b).

Fajkowski does not teach a purchaser computer device that is configured to manage an electronic coupon but rather a coupon card that can be used to store multiple coupons.

Fajkowski, column 4, lines 29-34. Fajkowski's concept of a coupon card involves storing multiple non-electric UPC code type coupons in an electronic manner, so any of the non-electric coupons can be utilized by the coupon card. Fajkowski, column 3, lines 51-52.

The claims of the present invention are directed to a purchaser computer device configured to communicate with a vendor computer device at the point of sale, wherein at least one of the vendor computer device and the purchaser computer device is configured to manage the electronic coupon. Because Fajkowski fails to teach a method or system comprising a purchaser computer device capable of managing electronic coupons, Fajkowski fails to anticipate the claims of the present invention. Accordingly, Applicants respectfully request withdrawal of the rejections of the independent claim 1, as well as dependent claims 3-6 under 35 U.S.C. §102(b).

Applicants also submits that Fajkowski does not teach the method claimed in amended claim 17. Applicants respectfully submit that Fajkowski only discloses pre-selecting coupons and does not disclose preset criteria used in selecting coupons. In particular, claim 17 includes the limitation "wherein the request is initiated automatically based on preset criteria." As disclosed in a non-limiting example, the invention may utilize preset parameters that increase the likelihood that a user would use a particular coupon in order to determine which coupon to send to a particular consumer. Specification, page 27, lines 1-3. Because Fajkowski does not disclose these limitations, it fails to anticipate the claimed invention under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request withdrawal of the rejection of independent claim 17, as well as dependent claims 21-25 under 35 U.S.C. § 102(b).

Claim Rejections under 35 U.S.C. §103(a).

The Examiner rejected claims 2 and 12 under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of Kepecs. Applicants respectfully provide the following response and request withdrawal of the rejection under 35 U.S.C. §103(a).

Applicants respectfully submit that Fajkowski does not teach or suggest all the claim limitations. MPEP § 2142. For instance, Applicants respectfully submit that Fajkowski does not teach a purchaser computer device that is configured to manage the electronic coupon, as is now claimed in amended claim 1. Because Fajkowski does not disclose this limitation, it fails to make the claimed invention obvious under 35 U.S.C. § 103(a). Therefore, Applicants respectfully request withdrawal of the rejection of claim 2, which depends from amended independent claim 1, under 35 U.S.C. § 103(a).

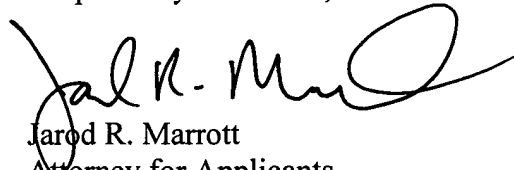
Fajkowski does not teach the method claimed in amended claim 8, which includes the steps for determining the validity of using a second electronic coupon and comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon. Applicants respectfully submit that Fajkowski only discloses a consideration of more coupons, not a determination of validity and comparison, as claimed above. Because Fajkowski does not disclose these limitations, it fails to make the claimed invention obvious under 35 U.S.C. § 103(a). Therefore, Applicants respectfully request withdrawal of the rejection of dependent claim 12, which depends from amended independent claim 1, under 35 U.S.C. § 103(a).

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 8 day of May, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared R. Marrott", is written over the typed name.

Jared R. Marrott
Attorney for Applicants
Registration No. 54,294

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone (801)323-5937